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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

HELLS CANYON PRESERVATION
COUNCIL and OREGON NATURAL
DESERT ASSOCIATION
Plaintiffs,
vs.

KENT CONNAUGHTON, Regional Forester,
Region 6, and the U.S. FOREST SERVICE
Defendants,
vs.

PAT AND ANNA SULLIVAN *et al*
Defendant-Intervenors.

Case No. 3:11-CV-23-PK

STIPULATION REGARDING SETTLEMENT
OF ATTORNEYS FEES, EXPENSES, AND
COSTS & ORDER

This Stipulation Regarding Settlement of Attorneys' Fees, Expenses, and Costs (hereinafter, "Stipulation") is made between Plaintiffs, Hells Canyon Preservation Council and Oregon Natural Desert Association (collectively, "Plaintiffs"), and Defendants, Kent Connaughton, in his official capacity as Regional Forester, Region 6 of the United States Forest Service, and the United States Forest Service (collectively, "Federal Defendants").

RECITALS

WHEREAS, upon cross-motions for summary judgment, this Court granted partial judgment in favor of Plaintiffs as to their claims under the National Environmental Policy Act, ECF No. 162;

WHEREAS, on June 4, 2013, Plaintiffs filed a Motion for Attorneys' Fees and Costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"), ECF No. 171;

WHEREAS, the Federal Defendants and Plaintiffs have consulted with the Defendant-Intervenors, and the Defendant-Intervenors have indicated that they take no position with respect to this Agreement;

WHEREAS, the Federal Defendants and the Plaintiffs enter into this Stipulation without any admission of fact or law, or waiver of any claims or defenses, factual or legal;

NOW THEREFORE, in the interests of judicial economy and to avoid further litigation over Plaintiffs' claim for attorneys' fees, expenses, and costs, Plaintiffs and Defendants hereby stipulate and agree as follows:

1. The Federal Defendants agree to pay \$136,500.00 in full settlement of Plaintiffs' claim for attorneys' fees, expenses, and costs incurred in the above-captioned litigation.

2. Plaintiffs accept payment of \$136,500.00 in full satisfaction of any and all claims for attorneys' fees, expenses, and costs of litigation to which they allege they may be entitled in the above-captioned case, including any claims for fees, expenses, and costs related to the preparation of Plaintiffs' fee application or this Stipulation and any and all claims, demands, rights, and causes of action pursuant to the EAJA and/or any other authority.

3. Plaintiffs' payment shall be accomplished by electronic funds transfer to the bank account of Hells Canyon Preservation Council. Plaintiffs will provide within five days of the Court's approval of this Stipulation the following information necessary for Federal Defendants to make payment via electronic fund transfer: the payee's name, the payee's address, the name of the payee's bank, the payee's bank account number, the bank address and telephone number, a contact person at the bank, the account type, the bank routing transit number, and the payee's tax identification number.

4. Federal Defendants will submit the necessary paperwork to the National Finance Center within 30 days of receipt of the information in Paragraph 3.

5. Plaintiffs will provide confirmation to undersigned Federal Defendants' counsel within fourteen (14) days of the receipt of the agreed upon settlement amount.

6. This Stipulation is executed solely for the purpose of compromising and settling Plaintiffs' claims for attorneys' fees, expenses and costs in the above-captioned case. By this Stipulation, Federal Defendants do not waive any right to contest any aspect of attorneys' fees,

expenses, or costs, including hourly rates, claimed by Plaintiffs or Plaintiffs' counsel in future litigation. This Stipulation has no precedential value and shall not be used as evidence in any other litigation.

7. Any obligations of the United States to expend funds under this Stipulation are subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation shall not be construed to require the United States to obligate or pay funds in contravention of said Anti-Deficiency Act, 31 U.S.C. § 1341, or any other appropriations law.

8. This Stipulation contains the entire agreement between the parties to this Stipulation, and all previous understandings, agreements, and communications prior to the date hereof, whether express or implied, oral or written, relating to the subject matter of this Stipulation, are fully and completely extinguished and superseded by this Stipulation.

9. The provisions of this Stipulation shall apply to and be binding upon each of the settling parties including, but not limited to, their officers, directors, servants, employees, successors, and assigns.

10. The undersigned representatives of Plaintiffs and Federal Defendants certify that they are fully authorized by the party or parties whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

11. This Stipulation represents the entirety of the parties' commitments with regard to settlement of attorneys' fees, expenses, and costs in the above-captioned case. This Stipulation shall become effective upon the date of this Court's approval of the Stipulation.

12. Plaintiffs and Federal Defendants respectfully request that the Court review and approve this stipulation by signing on the signature block below provided for that purpose.

SO STIPULATED.

DATED: August 23, 2013.

ROBERT G. DREHER
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Environment and Natural Resources Division



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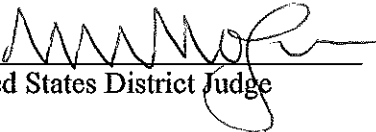


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The terms of the above Stipulation are hereby **APPROVED** and **SO ORDERED**.

Dated: 3 Sep., 2013.

By: 
United States District Judge